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CAS 4-30730A

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Gabriel Lopez
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1627

AUER ET AL.

Examiner: M. Garcia

APPLICATION NO: 09/754,958

FILED: JANUARY 5, 2001

FOR: FLUORESCENT DYES (AIDA) FOR SOLID PHASE AND SOLUTION
PHASE SCREENING

Assistant Commissioner for Patents
Washington, D.C. 20231

REPLY

Sir:

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TC 1700

This is in response to a request for an election of species dated October 23, 2001.

All the compounds of claim 3 necessarily contain a subgroup C, which are compounds of formula I. Since compounds of formula I have been patented (see the parent application, now U.S.P. 6,207,831), all the compounds of formula II and III wherein C is defined as in the patent must be patentable as well, i.e., no selection of any of the other subgroups A, B, D, D' and E can render the claims non-patentable over the art.

Notwithstanding the above, the following compound is provisionally elected for prosecution, with traverse:

02/07/2002
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